

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING MINUTES  
JULY 17-18, 2012**

Copies of the resolutions and water quality/water rights orders can be obtained by calling (916) 341-5600 or downloading from our website at [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/](http://www.waterboards.ca.gov/board_decisions/adopted_orders/).

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on July 17, 2012 at 9:03 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Steven Moore; Member Felicia Marcus

**STAFF PRESENT**

Tom Howard, Executive Director	Jeanine Townsend, Clerk to the Board
Michael Lauffer, Chief Counsel	Jonathan S. Bishop, Chief Deputy Director
Caren Trgovcich, Chief Deputy Director	Shahla Farahnak, Division of Water Quality
Phil Wyels, Office of Chief Counsel	Steve Fagundes, Division of Water Quality
Marianna Aue, Office of Chief Counsel	Bruce Fujimoto, Division of Water Quality
Alex Mayer, Office of Chief Counsel	Annalisa Kihara, Division of Water Quality
Karen O'Haire, Office of Chief Counsel	Greg Gearheart, Division of Water Quality
Nathan Jacobsen, Office of Chief Counsel	Ken Harris, Division of Water Quality
James Herink, Office of Chief Counsel	Dominic Gregorio, Division of Water Quality
Andy Sawyer, Office of Chief Counsel	Erin Ragazzi, Division of Water Rights
Liz Haven, Division of Financial Assistance	Barbara Evoy, Division of Water Rights
Lisa Babcock, Division of Financial Assistance	Michele Lobo, Division of Water Rights
Conny Mitterhofer, Division of Financial Assistance	Clayton Creager, Division of Water Rights
Laura McClean, Division of Financial Assistance	Adam Laputz, Central Valley Regional Water Board
Jim Maughan, Division of Financial Assistance	Craig Wilson, Office of Delta Watermaster
Gita Kaphai, Office of Public Participation	George Kostyrko, Office of Public Affairs

**ANNOUNCEMENT**

- *Evacuation information in case the fire alarm goes off during the meeting.*
- *The Board meeting is being webcasted and recorded.*

**BOARD MEETING**

*Public comments on agenda items will be limited to 5 minutes or otherwise at the discretion of the Board Chairman*

**PUBLIC FORUM**

Any member of the public may address and ask questions of the Board relating to any matter within the State Water Board's jurisdiction provided the matter is not on the agenda, or pending before the State Water Resources Control Board or any California Regional Water Quality Control Board.

**None**

**BOARD BUSINESS**

1. The Board will consider adoption of the June 5 & 19, 2012 Board Meeting minutes.

**Motion:** Member Moore moved to adopt the proposed minutes.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([June 5, 2012](#)) ([June 19, 2012](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore

**Nay:** None

**Absent:** None

**Abstain:** Member Marcus

2. Board Member Report.

**None**

**UNCONTESTED ITEMS\* (Items 3-6)**

- \*3. Consideration of a proposed Resolution adopting the [Proposition 84 Stormwater Grant Program Planning and Monitoring Funding List](#).

**This Item was removed from Uncontested.**

**Motion:** Member Moore moved to adopt the proposed Resolution.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2012-0033](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

*Larry Forester, City of Signal Hill & Gateway Water Management Authority*

- \*4. Consideration of a proposed Resolution for [Operator Certification and Training Advisory Committee Appointment](#).

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Marcus

**MOTION CARRIED:** ([Resolution 2012-0034](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

- \*5. Consideration of a proposed Resolution to adopt the [Petroleum Underground Storage Tank Emergency, Abandoned, and Recalcitrant Account Fiscal Year 2012-2013 Annual Site List](#) and to authorize the expenditure of Emergency, Abandoned, And Recalcitrant Account Funds.

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Marcus

**MOTION CARRIED:** ([Resolution 2012-0035](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

- \*6. Consideration of a Resolution to allocate \$1,121,593 from the Cleanup and Abatement Account (CAA) to the [San Jerardo Co-Operative \(Co-Op\) for the San Jerardo Wastewater Treatment Plant Upgrade Project \(Project\)](#).

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Marcus

**MOTION CARRIED:** ([Resolution 2012-0036](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

## **DIVISION OF WATER QUALITY**

7. Consideration of a proposed Resolution approving the [2013 Clean Water Act 319\(h\) Nonpoint Source Program Preferences](#), authorizing staff to solicit and recommend projects, and authorizing the Executive Director or designee to award and execute finance agreements for the 2013 federal Clean Water Act 319(h) Nonpoint Source Grant Program.

- [Change Sheet #1](#)

**Motion:** Member Doduc moved to adopt the proposed Resolution with Change Sheet #1.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Resolution 2012-0037](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

**INFORMATIONAL ITEM**

8. Information item to allow public agencies, potentially responsible parties, and affected communities to update board members on legal and technical developments regarding the [Rialto Perchlorate contamination](#). *(Written comments are due on July 11, 2012 by 12 noon.)*

**No Action Taken – Update at future Board Meeting**

- [Comment Letters](#)

**Commenters**

*John Izbicki, U.S. Geological Survey ([Presentation](#))  
Senator Gloria Negrete McLeod, California State Senate  
Kurt Berchtold, Santa Ana Regional Water Board ([Presentation](#))  
Gerry Newcombe, San Bernardino County  
Kathleen Saylor, U.S. EPA Region 9 ([Presentation](#))  
Dustin Minor, U.S. EPA  
Truong Mai, Emhart Parties ([Presentation](#))  
Peter Weiner, City of Rialto  
Ed Scott, City of Rialto  
Gene Tanaka, City of Colton  
Cris Carrigan, State Water Board  
Michael Whitehead, Fontana Water Company ([Presentation](#))  
Acquanetta Warren, City of Fontana  
Jeffrey Dintzer, Goodrich Corporation  
Deborah Gitin, U.S. Department of Justice  
Anthony Araiza, West Valley Water District  
Gregory Patterson, West Valley District  
Christopher Johnson, Whittaker Corporation*

**Items 9 through 13 will not be heard before 10:30 a.m.**

**PUBLIC HEARING – ITEM 9**

**DIVISION OF WATER QUALITY**

9. Consideration of proposed amendments to the State Water Resources Control Board Order No. 2009-0009-DWQ ([The Construction General Permit](#)) for the purpose of eliminating the Numeric Effluent Limitations for pH and turbidity at Risk Level 3 and Linear Underground/Overhead Project Type 3 Sites. *(Written comments were due on May 14, 2012 by 12 noon.)* ([Staff Presentation](#))

**Motion:** Member Doduc moved to adopt the proposed Order with changes proposed by Staff.

**Seconded by:** Vice Chair Spivy-Weber

**MOTION CARRIED:** ([Water Quality Order No. 2012-0006-DWQ](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

Sara Aminzadeh, California Coastkeeper Alliance  
Jason Flanders, San Francisco Baykeeper  
Sandy Mathews, California Stormwater Quality Association  
Mark Grey, Building Industry of Southern California  
Cliff Moriyama, California Building Industry Association

**CENTRAL VALLEY REGIONAL WATER BOARD**

10. Consideration of a proposed Resolution approving amendments to the Water Quality Control Plans for the Sacramento River and the [San Joaquin River Basins and the Tulare Lake Basin \(Basin Plans\) to provide a cost estimate and potential sources of financing for a long-term irrigated lands program.](#) *(Written comments were due on December 2, 2011 by 12 noon.) (Staff Presentation)*

**Motion:** Vice Chair Spivy-Weber moved to adopt the proposed Resolution.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution 2012-0038](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

Ken Landau, Central Valley Regional Water Board  
Gail Delihant, Western Growers Association

**Item 11 will not be heard before 1:00 p.m.**

**DIVISION OF WATER RIGHTS**

11. Consideration of a proposed Resolution regarding the Section 401 Water Quality Certification Application for the [Klamath Hydroelectric Project, Federal Energy Regulatory Commission Project No. 2082.](#) *(revised agenda item with draft Resolution posted 7/11/12) (Staff Presentation)*

- [Comment Letters](#) (prior to posting of this agenda)
- [Comment Letters](#)

**Motion:** Chair Hoppin moved to adopt the proposed Resolution.

**Seconded by:** Member Doduc

**MOTION CARRIED:** ([Resolution No. 2012-0039](#))

**Aye:** Chairman Hoppin  
Vice Chair Spivy-Weber  
Member Doduc  
Member Moore  
Member Marcus

**Nay:** None

**Absent:** None

**Abstain:** None

**Commenters**

*Brian Morris, County of Siskiyou*  
*Patrick Higgins, Resighini Rancheria*  
*Ronald Stork, Friends of the River*  
*Hayley Hutt, Hoopa Valley Tribe*  
*Lemonie Hutt, Hoopa Valley Tribe*  
*Dania Rosa, Hoopa Valley Tribe*  
*Kevin Orcutt, Hoopa Valley Tribe*  
*Allie Hostler, Hoopa Valley Tribe*  
*Dakota & Jonathan Carlson, Hoopa Valley Tribe*  
*Mary Risling, Hoopa Valley Tribe*  
*Regina Chichizola, Hoopa Valley Tribe*  
*Thomas Joseph, Hoopa Valley Tribe*  
*Harry Williams, General Public*  
*Lois Risling, Hoopa Valley Tribe*  
*Leonard Masten, Hoopa Valley Tribe*  
*Mike Orcutt, Hoopa Valley Tribe*  
*Richard Roos-Collins, American Rivers & Cal Trout*  
*Liane Randolph, California Natural Resources Agency*  
*Rodney McInnis, National Marine Fisheries Service*  
*John Bezdek, Department of Interior*  
*Richard Whitman, Oregon Governor's Natural Resources*  
*Troy Fletcher, Yurok Tribe*  
*Greg Addington, Klamath Water Users Association*  
*Glenn Spain, Pacific Coast Federation of Fishermen's Association*  
*Dean Brockbank, PacifiCorp*  
*Brian Johnson, Trout Unlimited*  
*Curtis Knight, Cal Trout*  
*Daniel Myers, Sierra Club – Redwood Chapter*  
*David Gensaw Yurok Tribe*  
*Craig Tucker, Karuk Tribe*  
*Quanah Brightman, United Native Americans*  
*Hinhanska Haney, United Native Americans*

**INFORMATIONAL ITEMS**

12. Update by the Office of Delta Watermaster on water issues within the Delta. ([Staff Presentation](#))

**No Action Taken – This Informational Item was heard at the beginning of the meeting on July 18, 2012**

13. [Executive Director's Report](#).

**No Action Taken**

Wednesday, July 18, 2012

**CALL TO ORDER**

Chairman Hoppin called the meeting to order on July 18, 2012 at 9:05 a.m. in the Coastal Hearing Room at the California Environmental Protection Agency Headquarters, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California.

**BOARD MEMBERS PRESENT**

Chairman Charlie Hoppin, Vice Chair Frances Spivy-Weber; Member Tam M. Doduc; Member Steven Moore; Member Felicia Marcus

**STAFF PRESENT**

Tom Howard, Executive Director	Ken Harris, Division of Water Quality
Michael Lauffer, Chief Counsel	Dominic Gregorio, Division of Water Quality
Caren Trgovcich, Chief Deputy Director	Johanna Weston, Division of Water Quality
Jeanine Townsend, Clerk to the Board	Russell Norman, Division of Water Quality
Jonathan S. Bishop, Chief Deputy Director	Renan Jauregui, Division of Water Quality
James Herink, Office of Chief Counsel	Carl Henriet, Division of Water Quality
Phil Wyels, Office of Chief Counsel	Phil Isorena, Division of Water Quality
George Kostyrko, Office of Public Affairs	Liz Haven, Division of Financial Assistance
Kathy Davis, Office of Public Affairs	

**ANNOUNCEMENT**

- *Evacuation information in case the fire alarm goes off during the meeting.*
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**BOARD WORKSHOP**

**No final action will be taken at the Workshop on Item 14**

**OFFICE OF CHIEF COUNSEL**

14. In the matter of own motion review of Waste Discharge Requirements Order No. R5-2010-0114 [NPDES NO. CA0077682] for the [Sacramento Regional Wastewater Treatment Plant. SWRCB/OCC Files A-2144\(a\) and A-2144\(b\)](#). The State Water Board will receive and consider comments on a draft order partially vacating Order No. R5-2010-0014 and remanding certain matters to the Central Valley Water Board. [\(Written comments were due on June 15, 2012 by 12 noon.\)](#)

**Commenters**

*Stan Dean, Sacramento Regional County Sanitation District ([Presentation](#))*  
*Paul Simmons, Sommach, Simmons & Dunn for Sacramento Regional County Regional Sanitation District*  
*Bill Jennings, California Sportfishing Protection Alliance ([Presentation](#))*  
*Richard McHenry, California Sportfishing Protection Alliance*  
*Pamela Creedon, Central Valley Regional Water Board*  
*Paul Singarella, Metropolitan Water District of Southern California ([Presentation](#))*  
*Ken Landau, Central Valley Regional Water Board*  
*Elizabeth Sablad, U.S. EPA Region 9*  
*Rich Breuer, Department of Water Resources*  
*Dave Spath, Department of Public Health*  
*Carl Lischeske, Delta Stewardship Council*  
*Jim Kelly, Bay Area Clean Water Agencies*  
*Jeff Willett, Central Valley Clean Water Association*  
*Monica Oakley, California Association of Sanitation Agencies*  
*Ann Farrell, Central Contra Costa Sanitary District*  
*Dennis Rogers, Sacramento Metro Chamber*

**ADJOURNMENT**

The Board adjourned at 12:45 p.m.

**CLOSED SESSION**  
**Closed Sessions are not open to the Public**

**DIVISION OF WATER RIGHTS**

The Board will meet in closed session to deliberate on a proposed order pertaining to Petitions for Reconsideration of State Water Board Order WR 2011-0005 regarding a Cease and Desist Order issued to Wood Irrigation Company for diversion from the Middle River in San Joaquin County. (This closed session is authorized under Government Code section 11126, subdivision (c)(3).)

**OFFICE OF CHIEF COUNSEL**

The Board will meet in closed session to discuss the status of and receive legal advice concerning *Young v. State Water Resources Control Board* (Third District Court of Appeal, Case No. C068559). (This closed session is authorized under Government Code section 11126, subdivision (e).)

**The Board met in Closed Session on both above Items.**

**IMPORTANT INFORMATION!!**

Unless otherwise specified, submittal of written comments must be received by 12:00 p.m. on July 10, 2012, and will not be accepted after that time.

Submittal of **electronic Powerpoint presentations** must be received by 12:00 p.m. on July 10, 2012, and will not be accepted after that time.

Submittals are to be sent via e-mail to the Clerk to the Board at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). Please indicate in the subject line, "**7/17-18/2012 BOARD MEETING (fill in bolded subject from appropriate item).**" If you have questions about the agenda, contact the Clerk to the Board at (916) 341-5600.

Agenda and items will be available electronically at: [http://www.waterboards.ca.gov/board\\_info/calendar/index.shtml](http://www.waterboards.ca.gov/board_info/calendar/index.shtml)

\* Items on the uncontested items calendar may be removed at the request of any Board member or person. If an item is removed from the uncontested items calendar, it will only be voted on at this meeting if the Board accepts the staff recommendation for the agenda item. Otherwise, the item will be continued to a subsequent board meeting to allow input by interested persons.

Video broadcast of meetings will be available at: <http://www.calepa.ca.gov/Broadcast/>.

For a map to our building, visit: <http://www.calepa.ca.gov/EPABldg/location.htm>. For security purposes, all visitors are required to sign in and receive a badge prior to entering the building. Valid picture identification may be required due to the security level so please allow up to 15 minutes for this process. Individuals who require special accommodations are requested to contact the Office of Employee Assistance, at (916) 341-5881.